IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 20500 of 2004

Between:

M/s. Priyadarsihni Cement Ltd., Ramapuram, Nalgonda District.
rep. by the Advisor-Corporate Affairs, Mr. G. Ramachandran.

..... PETITIONER

AND

The Asst. Commissioner (CT), Nalgonda Division, Nalgonda.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ or Certiorari or any other appropriate writ or order or direction quashing the provisional assessment order of Respondent dt. 20.10.2004 for the year 2003-04 as illegal and contrary to the scheme and spirit of Section 5-B of the APGST Act and consequently direct the Respondent to levy concessional rate of tax at 4% in respect of the sales of cement against G forms.

Counsel for the Petitioner: MR.S.DWARAKANATH

Counsel for the Respondent: GP FOR COMMERCIAL TAX

The Court made the following :

ORAL ORDER: (per Hon'ble Mr.Justice M.H.S.Ansari)

Learned counsel for the petitioner submits that the petitioner has availed of the efficacious alternative remedy of filing an appeal against the impugned provisional assessment. Prayer is made for withdrawing the instant writ petition and for return of the original order dated 20-10-2004 impugned in the instant writ petition.

Accordingly, writ petition is dismissed as withdrawn. Registry is directed to return to the learned counsel for the petitioner the original of the impugned order dated 20-10-2004. No order as to costs.

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M.H.S.ANARI, J

7-12-2004

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T.CH.SURYA RAO, J

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To

1. The Asst. Commissioner (CT), Nalgonda Division, Nalgonda.

2. 2 CCs to the Govt. Pleader for Commercial Taxes, High Court Buildings, Hyderabad (OUT).

3. 2 CD copies.